

TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman
Deborah Taylor Tate, Director
Pat Miller, Director
Ron Jones, Director



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460 James Robertson Parkway
Nashville, Tennessee 37243-0505

MEMORANDUM

TN REGULATORY AUTHORITY
DOCKET ROOM

TO: Chairman Sara Kyle
Director Deborah Taylor Tate
Director Pat Miller

FROM: Eddie Roberson, Chief 
Consumer Services Division

Lynn Questell, Counsel 

DATE: February 6, 2003

SUBJECT: GutterGuard of Tennessee, Inc. (Docket No. 03-00082)

RECOMMENDATION: Open a docket to investigate GutterGuard of Tennessee, Inc. to determine whether grounds exist for the issuance of a show cause order due to possible violations of TRA Rule 1220-4-11 and TCA § 65-4-401 *et seq.* and appoint a Pre-Hearing Officer to prepare the matter for hearing. This matter will be on the February 18, 2003 Conference for your consideration.

From May 9, 2002 through October 21, 2002, the Authority received, through its Consumer Services Division, nine (9) consumer complaints against GutterGuard of Tennessee, Inc. ("GutterGuard"). These complainants allege that GutterGuard called them over the telephone without their permission with the intent to sell a service or product. GutterGuard was notified by letter of the alleged violation each time a complaint was filed with the Consumer Services Division. Each of the nine (9) consumers was on the TRA Do Not Call Registry at the time of the solicitation call. The above cited rule and statute prohibit the unauthorized telephonic solicitation of residential consumers listed on the state Do Not Call Registry.

The Staff has formed an investigative team made up of Lynn Questell, Kim Beals, Ed Mimms, Carlos Black and myself. The investigative staff ("staff") has met with representatives of GutterGuard and has been unable to settle the alleged violations. The staff believes that sufficient grounds exist for the Authority to open a docket to determine whether justification exists for the issuance of a show cause order against GutterGuard and appoint a Pre-Hearing Officer to resolve pending motions.

cc: Director Ron Jones
Richard Collier
Michael D. Fitzgerald, Counsel for GutterGuard